

City Council Special and Regular Meetings, May 9, 2000

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: 6:00 P.M.

CLOSED SESSIONS

A. Conference with Legal Counsel, ongoing litigation, pursuant to Government Code Section 54956.9

1. Douvikas vs. City of Belmont, San Mateo Superior Court Case #407539

B. Conference with Legal Counsel, anticipated litigation pursuant to Government Code Section 54956.9

1. BPOA

C. Conference with Labor Negotiator, Thomas Lewcock, pursuant to Government Code Section 54957.8

1. BPOA

Attended by Councilmembers Warden (arr. 6:15 P.M.), Hahn, Wright, Rianda, Cook. Interim City Manager Lewcock, City Attorney Savaree, Human Resources Director Kushon, IEDA Representative Jory. Attorney Wailes attended Closed Session B. City Clerk Kern was excused from attending.

Adjournment at this time, being 7:00 P.M. these Closed Sessions were adjourned.

Meeting not tape recorded

Kathy Kern

Belmont City Clerk

STUDY SESSION – 7:10 P.M.

Workshop on Sewer and Storm Drainage Rate Study – Hilton Farnkopf Hobson

Mr. Farnkopf reviewed the sewer rate study results, scope of services and revised financial plan. He gave an overview of the Fund Balances and noted that the fund balances were on track with proposed rate increases. He reported that in Year 2004-2005 the working capital should be close to the targeted figure. He explained the various rate classes and said the allocation would be increased \$2.36 monthly for residential, retail/commercial, institutional and industrial customers and increased \$4.02 monthly for restaurants and supermarkets. He explained that the monthly bills would increase from \$2.36 to \$2.87 over the five-year planning period for residential users.

Mr. Farnkopf explained that the flow was based on winter months usage to provide an average of the flow per residence. He stated that the analysis indicated that 2/3rds of the single family customers would pay less under

these usage based rates. He reviewed the schedule and stated the staff would be working toward getting the new usage based rates issued on the property tax bills for September following review by Council.

In response to Interim City Manager Lewcock, Council concurred that they would like to advance the public information portion of this process, so that people would be informed before the rate increase was put in place.

Adjournment at this time, being 7:50 P.M., this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape Recorded

Tape No. 463

000a-29.6

REGULAR MEETING – 7:55 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Hahn, Wright, Rianda, Cook

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Lewcock, Public Works Director Curtis, Principal Planner de Melo, Finance Director Fil, Police Chief Goulart, Fire Chief Jewell, Parks and Recreation Director Mittelstadt, City Attorney Savaree, City Clerk Kern

AGENDA AMENDMENTS

Mayor Cook announced that Supervisor Gordon was in the audience and would like to address the Council regarding Item 7-A (Measure A Transportation Expenditure Plan) Council concurred to open the Regular Meeting at this time and hear Supervisor Gordon's testimony before opening the Fire Protection District and Redevelopment Agency Meeting.

NEW BUSINESS – 7:50 P.M.

Consideration of a response to the reauthorization of Measure A, Transportation Expenditure Plan.

Mr. Curtis explained that staff had provided specific needs that identified a City position on this Measure A extension.

Supervisor Gordon, Chair of the Transportation Authority, indicated that the Transportation

Authority Board suspended planning for the Reauthorization of Measure A and would only move

forward if there was a dramatic change out of Sacramento. He explained that SCA-3 would have changed the method of voting for passage of sales tax measures to a simple majority. Supervisor Gordon explained that if SCA-3 moved forward, the Transportation Authority would reactivate the planning for reauthorization. He reported that if some of Governor's Transportation proposals were adopted by the Legislature, the Transportation Authority would re-adjust their strategic Measure A plan and some expenditures could be reallocated. He noted that a portion of the Governor's Transportation Plan included Senate Bill SB 2003 (Speier) which would provide funding to upgrade Caltrain to allow for a third track along key locations to allow the Joint Powers Board to operate Express trains.

Supervisor Gordon encouraged endorsement of SB 2003 (Speier).

C. Wright requested that staff look into SB 2003 (Speier) and see if it was something Council may want to support.

Council concurred that they would like more information on SB2003 for the next agenda.

C. Rianda stated that even though the planning was suspended she thought the Council should talk about the options that Public Works Director Curtis had suggested in case this plan resurfaced the staff would have Council input for a letter to be put together.

In response to Mayor Cook, C. Rianda stated that the expenditure plan would not change, but a letter from Council outlining the City's requests could be beneficial in case the Transportation Authority revised their strategic plan.

Action: at this time, on motion by C. Rianda, seconded by C. Hahn, to recess this portion of the meeting at 8:15 P.M., to reconvene this item during the Regular Meeting for further discussion at this time.

Regular Meeting recessed to Belmont Fire Protection District Meeting and Special Redevelopment Agency Meetings

Regular Meeting reconvened at 8:30 P.M.

REPORT FROM CLOSED SESSION

Mayor Cook announced that direction was given, but no action taken.

PUBLIC/COUNCIL COMMENTS

C. Warden presented each Councilmember with a pencil made out of recycled blue jeans from the Sustainable San Mateo Town Hall meeting which focused on recycling.. He listed some statistics regarding recycling of goods and stated that 99% of all manufactured good were thrown away within six months and 80% of all items were single use.

Interim City Manager Lewcock announced that Ms. Macris, would begin work at the Interim Planning Director on Thursday, May 11th.

AGENDA AMENDMENTS

Mayor Cook announced the items 4-J (3-way stop on OCR) 4-M (encroachment 329 Upper Lock); 4-O (Animal Ord.); 4-P (traffic study for JCC); 4-R and 4-S (Farmer's Market) would all be discussed separately.

CONSENT CALENDAR

Approval of Meeting Minutes:Special and Regular Meetings 4/25/00; Special Meeting Closed Session 4/26/00.

Approval of Warrant List Dated: April 20, 2000 in total amount of \$165,609.70 and dated April 28, 2000 in total amount of \$621,888.93.

Written Communication: 1). Preemption Rec. 4/20 1995 PG&E Storm Response, D.99-06-080, OP 8; 2). Rec. 4/24 re. FCC Preemption of Radio, TV Tower zoning, model cable TV franchises, Model Cellular Tower Leases, Zoning Ord.; 3). Rec. 4/26 re. PG&E 1999 GRC – A.97-12-020 et al, Agricultural Energy Consumers Assoc. request for award of compensation

Motion to approve Claims Management Report.(none)

Motion to waive reading of Ordinance.

Resolution No. 8741 authorizing the filing of Grant Applications for the Operations and Programs of the Twin Pines Senior and Community Center.

Resolution No. 8742 approving an Agreement between City/County Association of Governments and the City of Belmont for the Bus Route Repair/Maintenance Program.

Resolution No. 8743 authorizing sale at Public Auction and Disposal as surplus certain capital outlay items.

Resolution 8744 authorizing payment for Change Order No.134 for an amount not to exceed \$68,983 for Concrete Retaining Wall Construction at San Carlos Train Station Concourse, Ralston/Harbor/Holly Grade Separation Project, Phase B, Kiewit Pacific Corporation, City Contract No. 330-B.

Resolution No. 8745 approving establishment of a four way stop at the intersection of Sixth and O'Neill Avenues.

Resolution No. 8746 authorizing the City Manager to enter into contracts totaling \$147,301.00 for the Belmont Police Department, in conjunction with the San Carlos Police Department to purchase 16 mobile data computers and modems for field police units.

Resolution No. 8747 approving a permanent encroachment agreement for the construction of a masonry block retaining wall within the public right of way at 3034 San Juan Boulevard. (APN 043-162-910, Mr. Aubain)

Resolution No. 8748 approving an agreement for the preparation of a traffic study for the proposed Immaculate Heart of Mary Master Development Project. (Sunrise Assisted Living Facility) at 1040 Alameda de Las Pulgas.

Resolution No. 8749 authorizing withdrawal from the Joint Powers Agreement establishing the Inter- City Transportation Systems Management Authority and authorizing membership in the Peninsula Traffic Congestion Relief Alliance and execution of the Joint Powers Agreement establishing the Alliance.

Resolution No. 8750 approving a Professional Services Agreement with DMG Maximus, Inc. for the Planning and Community Development Director and City Manager Recruitments.

Consent Calendar adopted as amended. Moved by C. Hahn, seconded by C. Rianda, and approved unanimously, by show of hands.

Consideration of Resolution approving establishment of a three way stop at the intersection of Masonic Way and Old County Road

C.Warden expressed a concern about the gap that existed between the stop sign on the north side of the intersection and the actual intersection on Old County Road and Masonic Way.

Public Works Director Curtis stated that a great deal of pedestrians use this crossing now that the Grade Separation had been completed. He explained that the staff would post a sign further back from the stop sign to warn drivers that the stop sign was coming up. He said they needed to protect the pedestrians and drivers that needed to access the driveway for the business at that location.

Action: on motion by C. Wright, seconded by C. Warden, and approved unanimously to adopt:

Resolution No. 8751 – approving establishment of a three-way stop at the intersection of Masonic Way and Old County Road.

Consideration of Resolution approving a permanent encroachment agreement for the construction of a masonry block retaining wall within the public right of way at 3229 Upper Lock Avenue. (APN 043-122-100, Mr.Aubain).

Ms. Jardine, 3219 Upper Lock, expressed concerns about landslides because of the amount of dirt needed to excavate to construct this home. She said there had already been a landslide on this street. Ms. Jardine said that she was very close to this property and she wanted to know if the City and the landowner would take responsibility for any landslides and pay for her damages .

Mr. Bukowski, 3233 Upper Lock, stated he was against this project. He said he had never seen any soils report done on this property. He said that the sidewalk requirement was overlooked and he thought it was important to have one for safety of the pedestrians walking in this area.

Mr. McClelland, 3242 Upper Lock, said he had a landslide on his property. He said it was an active slide area and he thought a bond should be posted in case damage occurred on his property because of the amount of dirt that would be removed. Mr. McClelland expressed concern that the fire hydrant would be inoperable during the construction of this home. He said he agreed that a sidewalk should be constructed.

Mr. Aubain, 4223 Highview Drive, San Mateo, owner of 3229 Upper Lock, stated that he had worked on this project for two years and received all the approvals from the Planning Commission.

He said he could not access his property without this encroachment.

Mr. Bukowski, 3233 Upper Lock, asked if permission had been given to cut down the Oak trees.

Mr. Aubain, 4223 Highview Drive, San Mateo, owner of 3229 Upper Lock, stated that he had paid the fees and Parks and Recreation had given him a permit to remove these trees.

Public Works Director Curtis stated Mr. Aubain needed an encroachment permit to access his property. He stated that it was a steep driveway and he was adding stability to the area by constructing this wall. He said this encroachment met all the requirements of the City.

Principal Planner de Melo stated that this project had been reviewed extensively by the Planning Commission. He said the geologic, soils and arborist reports had all been accepted and this encroachment was one of the conditions of approval for this project.

In response to C. Cook, Principal Planner de Melo said that the need for a sidewalk was on a case by case basis in this area.

Public Works Director Curtis stated that the sidewalk would only extend over his two properties.

C. Rianda stated the Council policy stated that sidewalks were constructed in neighborhoods that had sidewalks already, but in the rural neighborhoods they were not required.

In response to C. Rianda, Public Works Director Curtis, stated that this 12ft wall had been designed to save valuable trees on the site.

Principal Planner de Melo said there were adequate mitigation's proposed for this project to move forward. He said he was not aware of any concessions made on this project. Principal Planner de Melo explained that two of the major mitigation's were to protect the trees, and limit the height of the retaining walls on the front portion of the lot.

City Attorney Savaree stated that it may be appropriate to bring back the Planning Commission staff reports and minutes for review by Council. She said some of the issues that were being raised by the neighbors had been considered by the Planning Commission over two or three meetings. The time to appeal those approvals was past, so the only issue to be decided was approval of the encroachment.

She said this item could be continued until Council had time to review those notes which addressed all these concerns earlier during the planning process.

Ms. Purcell, 1085 Granada, Planning Commissioner, stated she had voted against this project because of the amount of grading was unacceptable. She said that the soils report did not indicate that the soil was unstable.

Mr. Aubain stated from the audience that the soils report indicated that this land was bedrock.

C. Hahn made a motion to continue this item until the information from the Planning Commission could be provided. Motion died for lack of a second.

Action: on motion by C. Wright, seconded by C. Cook, and approved 3-1, (Hahn, abstain, Rianda, no;) by show of hands, to adopt:

Resolution No. 8752—approving a permanent encroachment agreement for the construction of a masonry block retaining wall within the public right-of-way at 3034 San Juan Boulevard APN: 043-162-910.

Consideration of Ordinance amending Chapter 5, Article II of the Belmont City Code. (2nd reading and adoption; Animal Control Ordinance)

Mr. Inden, 2241 Semeria Avenue, said he was disappointed that more people were not contacted for input on this ordinance. He reviewed some sections of the ordinance that he thought should be considered before adoption and reviewed how other cities put limitations on the number of animals allowed. He said he would like clarification on whether the ordinance allowed 20 species of animals, or 20 animals total. Mr. Inden stated his concerns about the sanitation and noise provision in the ordinance and wondered who would determine what was offensive and how many flies were too many. He said the ordinance needed to be stronger to address the sanitation and noise issue. Mr. Inden suggested getting more input regarding this ordinance before adoption. He said that 4H'ers in other cities had raised animals successfully under strict guidelines with less animals, without complaints from the neighbors. He distributed photos of the yard next door to him that he was concerned about.

In response to Mayor Cook, City Attorney Savaree clarified that the ordinance stated 20 animals. She explained that she had spoken to Mr. Inden and indicated to him that citizens were suppose to submit written comments to her office for review before the second reading of the ordinance. She said the first draft of the ordinance was based on the suggestions by Mr. Inden. She explained the City's enforcement guidelines and the steps that would be followed to act on a complaint.

Ms. Mercer, 2535 Somerset Drive, Assistant Community Leader for 4-H, expressed full support of this ordinance. She said she had requested that the newspapers sit in on the discussions, so that the community was informed about this issue. She reviewed the points in the ordinance that had strengthened the old one. She said this ordinance provided protection and recourse against nuisance animals but did not preempt the rights of responsible animal owners. Mrs. Mercer stated that just because there were animal problems on Semeria, the rights of other animal owners should not be restricted.

Mayor Cook explained that this ordinance could be monitored and revisited at a later date.

Mr. Jones, 3627 Hillcrest, President, Plateau Skymont Neighborhood Association, stated that he agreed with the concept of this ordinance but wanted to know if there were specific guidelines for construction of corrals for larger animals.

Ms. Briscoe, 2320 Casa Bona, stated that she lived behind the home that Mr. Inden was concerned about. She said she did not have any problems with the sanitation or noise at that location.

Ms. Briscoe stated that she thought the number of animals allowed should be clarified in the ordinance. She said everyone in the neighborhood was aware of this issue and had an opportunity to speak on this subject.

C. Rianda said she thought there should be more discussion regarding the total animals allowed.

Council discussion ensued.

Action: substitute motion by C. Rianda, seconded by C. Hahn, to allow 20 animals total -juvenile and adult. This motion failed 2-3, by show of hands, (Cook, Warden, Wright voted no).

Action: on motion by C. Wright, seconded by C. Warden, and approved 4-1 (Rianda, no) by show of hands, to adopt:

Ordinance No. 950 amending Chapter 5, Article II of the Belmont City Code (Animal Control)

Recess: at this time, being 9:30 P.M. the Council recessed.

Reconvene: at this time, being 9:35 P.M. this meeting was reconvened.

Consideration of Resolution approving an Agreement for the preparation of a traffic study for the proposed Summerhill Homes development at the Jewish Community Center site. (2440 Carlmont Drive).

Ms. Breeze, Summer Hill Homes Representative, requested that the staff include the scope of work done by their traffic consultant Advance Traffic Engineering when Crane Transportation did their study. She also requested that their project not be linked to the Immaculate Heart of Mary project for traffic counts.

Principal Planner de Melo stated that staff agreed with the components presented by Summer Hill Homes and agreed to have Crane work with these traffic figures.

In answer to C. Cook, Principal Planner de Melo stated that staff looked at average daily trips for existing vs. proposed developments and used that traffic data to look at cumulative effects on existing and proposed development. He said they would work with the traffic engineers to determine the exact perimeters for the scope of work for the Jewish Community Center site.

Action: on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands to adopt:

Resolution No. 8753 authorizing and directing the City Manager to enter into an Agreement with Crane Transportation Group in order to conduct a traffic study for a proposed residential development at 2440 Carlmont Drive.

Consideration of Resolution authorizing a Master Lease between the City and the Peninsula Corridor Joint Powers Board for Operation of a Farmer's Market. and Consideration of Resolution authorizing a sublease with Pacific Coast Farmers' Market Association.

Mayor Cook expressed concern about using the City Hall parking lot as the alternate site for the Farmer's Market on Giants baseball game days. She said she would rather use the public parking lot immediately adjacent to Peets coffee as the alternate site.

C. Hahn said she thought it was a moot point, because ultimately the Farmers' Market would be held at the Caltrain station.

In response to C. Rianda, City Attorney Savaree explained that the agreement with Safeway indicated that the parking lot was limited to parking uses. She said if Council provided direction, the staff would resume talks with Safeway to try and persuade them to allow the City to use this lot for a Farmers Market which would be beneficial to the City and to Safeway.

Council concurred to have staff continue to negotiate with Safeway and continue to look at option sites for the Farmers Market.

C. Warden asked if signage could be placed at the Caltrain lot to direct people to the alternate location.

Parks and Recreation Director Mittelstadt explained he would be working with the JPB over the summer to demonstrate that the lot to the south of Ralston would not be needed for parking for Giants games. He explained that the Farmers Market people had looked at the north lot at City Hall and indicated it would work for them. Parks and Recreation Director Mittelstadt explained that the Park Boosters would have overlapping dates in the park, so that would draw even more participants to the market.

In response to C. Warden, City Attorney Savaree stated that the lease did not indicate anything about signage. She said they would speak to the Joint Powers Board about it.

Council directed staff to continue to work on an alternate site, and at the same time continue to work with Safeway.

Action: on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands to adopt:

Resolution No. 8754 – authorizing a Master Lease between the City and the Peninsula Corridor Joint Powers Board for operation of a Farmer's market

Action: on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands to adopt:

Resolution No. 8755 authorizing a sub-lease with Pacific Coast Farmers' Market Association.

NEW BUSINESS – CONTINUED FROM BEGINNING OF MEETING

Consideration of a response to the reauthorization of Measure A, Transportation Expenditure Plan.

In response to Council questions, Public Works Director Curtis explained that if the money was designated for the Caltrain Corridor the Caltrain money could be used for projects outside the County.

In response to C. Hahn, Interim City Manager Lewcock explained that SB2003 (Speier) would be reported on at the next meeting.

Action: on motion by C. Rianda, seconded by C. Hahn, and approved unanimously, to provide Policy position to staff in the event a letter needed to be sent at a later date. Included: 1). local funding for maintenance and road improvements be at the present funding or greater: 2). funding for CALTRAINS be focused on CALTRAIN improvements rather than a broadened definition of CALTRAIN "Corridor" improvement: 3). allow for new transit projects, such as a Bay ferry system, only after funding of projects supported by established policy of Sam Trans and /or Joint Powers board is fulfilled; and, 4). support a greater share for transit and grade separations and a smaller

share for new roadway construction.

In response to Interim City Manager Lewcock, Council requested that explanations regarding SB-2003 and SCA-3 be reported on at the next meeting before a policy position was formulated..

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Trench Cut Ordinance Update.

Public Works Director Curtis reported that he had met with the utilities and they had agreed on Coordination and Planning. He stated that they would meet again on June 15th, to review projects for the year. He said they had decided to hold up the actions on the Trench Cut ordinance until the County had adopted one.

In response to C. Rianda, Public Works Director Curtis stated he had not contacted the League of California Cities, policy committee for Transportation.

City Attorney Savaree said they had had several joint city meetings to agree on language. She said The other cities were taking a wait and see attitude on this ordinance.

C. Hahn said she would like to have presentations stating the pros and cons on the issue.

C. Wright stated that he would like the staff to proceed with our ordinance and amend it at a later date if necessary.

Action: on motion by C. Wright. seconded by C. Cook, and approved 4-1 (Hahn, no), to bring this Trench Cut ordinance forward in the July.

ADJOURNMENT at this time being 10: 30 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape Recorded

Tape No. 463

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